

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIBEL BAEZ; FELIPA CRUZ; RD., ON BEHALF OF :  
HER MINOR CHILD, A.S.; on their own behalf and :  
on behalf of all others similarly situated; :  
UPPER MANHATTAN TOGETHER, INC.; and :  
SOUTH BRONX CHURCHES SPONSORING :  
COMMITTEE, INC., :

Plaintiffs, :

vs. :

NEW YORK CITY HOUSING AUTHORITY, :

Defendant. :

13 Civ. 8916 (WHP)

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**DECLARATION OF JUDY A. IN SUPPORT OF**  
**PLAINTIFFS' MOTION TO ENFORCE STIPULATION AND ORDER**

I, JUDY A., declare under penalty of perjury that the following is true and correct:

1. I make this declaration in support of Plaintiffs' motion to enforce the stipulation and order this Court approved on April 17, 2014.
2. I live in New York City Housing Authority ("NYCHA") housing in the Bronx. I am a tenant at 1368 Webster Avenue, Apartment 6C, Bronx, New York 10456.
3. I have lived at 1368 Webster Avenue, Apartment 6C for my whole life, since 1981. My children M.A., D.H., and U.D. also live with me in the apartment. My brother, Charles A., who is thirty years old, also lives in the apartment.

4. I am thirty-three years old, and I was diagnosed with asthma in my early twenties. My doctor's name is Dr. Jesse Baer, and she works at the Montefiore Clinic in the Bronx. Her phone number is 718-579-2500.

5. My three children also suffer from asthma. M.A., age fifteen, was diagnosed with asthma when she was four years old, in 2003. D.H., age thirteen, was diagnosed with asthma approximately eight years ago. The name of the doctor who diagnosed both M.A. and D.H. is Dr. Andrea Rich. Dr. Rich still treats them for their asthma. Dr. Rich's phone number is 718-579-2500. My third daughter, U.D., age six, was diagnosed with asthma two years ago, and is being treated by Dr. Bernice Vicil, who can be reached at 718-579-2500.

6. I have dealt with mold issues in my apartment, especially in the bathroom, for more than 10 years. The bathroom does not have a window, and the vent in the bathroom does not work properly. There is a strong smell of mold and mildew in the bathroom at all times. At times the mold growth in the bathroom has been so bad that when I enter the bathroom, it immediately becomes harder to breathe. At these times, black mold grows all along the ceiling, and along the corners of the walls. The mold grows most densely above the bathtub, such that, at its worst, the original ceiling paint is hardly visible. Mold also grows along the walls, in the corners of the room, and around the fixtures in the bathtub.

7. The excessive moisture in the bathroom also causes the walls to bulge and the paint to crack and peel from the bathroom ceiling.

8. I have contacted NYCHA on a periodic basis over the course of the last six years to complain about the mold in my apartment.

9. In 2014 to 2015 alone, I called NYCHA numerous times to try to get the mold and excessive moisture problem fixed. On July 30, 2014, in response to a complaint I had made to NYCHA about the mold in my bathroom, a NYCHA employee came to my apartment to make repairs. The work order ticket number associated with his visit is 32618055. However, the only work the NYCHA employee performed was cleaning the mold with a rag and some liquid. He did not close off the bathroom while cleaning the mold. He left the door open while he cleaned. After wiping the mold away, he gave me the cleaning solution that he had used and told me that if the mold came back, I should use this to wipe it away myself. He did nothing to address the underlying cause of the mold or excessive moisture. He also told me that he would have to put in a work order to get the bathroom painted, and that someone else would come later to paint.

10. On September 5, 2014, a NYCHA worker came and painted the bathroom walls. The NYCHA worker made no attempt to determine the source of the mold and moisture, let alone fix it. He just came, painted, and left. The work order ticket number associated with this visit is 32663731. The mold returned in a matter of weeks.

11. On October 23, 2014, I made another mold-related complaint. A NYCHA worker came on October 24 and wiped the mold away with a rag, as was done the last time. Again, the NYCHA worker did not enclose the work area while he dealt with the mold. The work order ticket number associated with this visit is 33571415.

12. By November 2014, the mold had returned, and I made another complaint to NYCHA. On November 10, 2014, a NYCHA worker came to my apartment, saw that the mold had returned, and wiped the mold down as before. The work order ticket number for this visit is 33843749. Yet again the NYCHA worker did not close off the bathroom area during the

33843749. Yet again, the NYCHA worker did not close off the bathroom area during the cleaning. And again, after the worker finished, he told me that someone else would come to paint the bathroom. Several days later, after no painters had come, I followed up by calling NYCHA to ask about the paint. Within a few days, a manager from NYCHA came and looked at the bathroom, where mold still appeared even though it was recently wiped down by the NYCHA worker. The manager said he would send a painter to paint the bathroom. Before leaving, the manager asked me to sign the work order associated with his inspection to acknowledge that the work had been completed. I refused to sign the work order because no work had been done yet. The man left without doing any work, and no one came back to paint the bathroom.

13. On January 9, 2015, after the mold had fully returned, I called NYCHA to make another complaint. A NYCHA employee came back to inspect the mold in my bathroom and, once again, wiped the mold with a rag without closing off the bathroom area before the cleaning. The work order ticket number associated with this visit is 34812213. This time, after the NYCHA worker wiped the ceiling, much of the mold was still visible. As had happened each time before, the mold spread within a few weeks.

14. On January 27, 2015, after I called in another complaint to NYCHA about the mold, a NYCHA employee inspected the bathroom and took some pictures of the mold on the walls and ceiling. The work order ticket number associated with this visit is 35448261. The employee promised that he would show the pictures to his supervisor and have the mold problem fixed. He also expressed regret that the mold had not been remediated yet, especially since my

children were exposed to the mold. A follow-up appointment was scheduled, and I was given a work order ticket number of 35444031 for this appointment.

15. On February 27, 2015, the maintenance supervisor came to look at the mold in my bathroom. The work order ticket number associated with this February visit is 35719073. Like all four of the earlier NYCHA “repairs,” the maintenance supervisor wiped the walls down with a cleaning solution and did not close off the space. The maintenance supervisor also told me that he would put in a work order to have someone repaint the bathroom.

16. On March 6, 2015, a NYCHA maintenance worker came to the apartment to repaint the bathroom. The work order ticket number for this visit is 35775411. The worker repainted the ceiling and the walls of the bathroom, but he did not clean or paint over the mold that was growing around the faucet and fixtures and in the corners of the bathtub. When I asked him if the mold was going to come back, he put me on the phone with his supervisor, who told me that the paint they were using was special, and that it would prevent the mold from returning. As they painted, the door to the bathroom was left open and the area was not enclosed. The NYCHA worker did not try to find the source of the mold or moisture in the bathroom. After he painted the bathroom, the NYCHA worker told me that the mold would not return if I didn’t use hot water for showers.

17. The following day, the supervisor of maintenance for the Butler Houses, where I live, came to visit the apartment and asked to see the bathroom. She then told me, “Since you have a court order, whatever you want done, you can have done.” It was not clear to me what court order she was referring to, but I did not argue with her. She then asked if I would like the whole apartment painted, and I said yes. She also asked if I would like new kitchen cabinets,

and I said yes to that too. On March 11, 2015, two NYCHA workers came and painted the rest of the apartment. While they were painting the rest of the apartment, they also painted the wall in the bathroom, even though it had just been painted. Afterwards, when I called NYCHA to ask why they had painted in my bathroom, I was told that I was on the list for new paint in the bathroom. At this time, I was also told by the NYCHA representative that a NYCHA worker would replace my kitchen cabinets on April 23, 2015 and was given a work order ticket number of 36183113 for this scheduled appointment.

18. Even though my bathroom was repainted only a few weeks ago, the mold has begun to grow back on the ceiling in the bathroom. Mold also continues to grow around the fixtures in the bathtub. I have attached to this declaration as Exhibit 1 several photographs of the mold and moisture problems in my apartment. The photographs show the mold as it was in November 2014, and also how it looks when it started to come back again in April 2015 just a few weeks after NYCHA had painted over it. The cleaning and painting that NYCHA has done in the past does not work. Mold simply returns in the same places as before because the workers do not address the underlying source of excessive moisture or mold.

April 17 2015  
Date

Judy A.  
Judy A.